

(2011) 03 JH CK 0050

Jharkhand High Court

Case No: Writ Petition (C) No. 395 of 2011

Deo Chandra Thakur

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: March 2, 2011

Hon'ble Judges: R.K. Merathia, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

R.K. Merathia, J.

It is submitted by Mrs. C. Prabha that Petitioner applied for allotment of the plot in question which is lying vacant and for which a recommendation was also made by the Executive Engineer, Jharkhand State Housing Board ("Board" for short), but no decision has been taken on such application.

2. On the other hand, Mr. Sachin Kumar, learned Counsel appearing for the Board pointed out that Petitioner was already allotted a quarter and nobody can be allotted a plot/premises only on the basis of an application. Such allotments are to be made after following the procedure of law such as advertisement etc. and nobody can claim allotment without following the procedure; and that it is not known how the Executive Engineer made recommendation and in any event, Board is not bound by such recommendation.

3. It cannot be disputed that allotment of land/premises is to be made by the Board by following the procedure under the law such as advertisement etc. Only because Petitioner has applied and Executive Engineer has recommended for the allotment of the land in question which is adjacent to the quarter of the Petitioner, the same cannot be allotted to him ignoring the procedure prescribed under the law.

4. On this, Mrs. Prabha submitted that the vacant land in question is being used by stray animals and anti-social elements creating trouble in peaceful living of the people about which Petitioner informed to the Respondents by letter dated

11.07.1986.

5. If that be so, Petitioner can raise such grievance before appropriate authority/police station. In the circumstances, I am not inclined to interfere in this writ petition.

6. Accordingly, this writ petition is dismissed. However, no costs.